

EXHIBIT B

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CASE NUMBER: 15-2-23550-8 SEA

SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

MARK HOFFMAN, on his own behalf and
on behalf of other similarly situated persons,

Plaintiff,

v.

ONE TECHNOLOGIES, LP; and

Defendant.

CLASS ACTION

COMPLAINT

Plaintiff MARK HOFFMAN ("Plaintiff" or "HOFFMAN") brings this class action on his own behalf and on behalf of other similarly situated persons. This class action complaint is filed against Defendant ONE TECHNOLOGIES, LP ("ONE TECHNOLOGIES").

I. NATURE OF THE ACTION

1. This is a class action brought on behalf of Washington residents to whom ONE TECHNOLOGIES or its agents sent deceptive emails in violation of Washington law.

II. THE PARTIES

2. Plaintiff is an individual and consumer who resides in Washington.

3. Plaintiff brings this action in his individual capacity and on behalf of a class of persons similarly situated.

4. ONE TECHNOLOGIES is a company which markets and provides credit monitoring services to consumers throughout Washington.

1 **III. JURISDICTION AND VENUE**

2 5. ONE TECHNOLOGIES regularly transacts business in King County,
3 Washington.

4 6. Wrongful acts and omissions referenced in this complaint occurred, were
5 initiated, were furthered, were given assistance in, or were directed to King County, Washington.

6 **IV. GENERAL ALLEGATIONS**

7 7. HOFFMAN and numerous Washington consumers like him have received
8 similarly deceptive and misleading emails from ONE TECHNOLOGIES or its agents that violate
9 Washington's Commercial Electronic Mail Act ("CEMA"), RCW 19.090.010, *et seq.* and
10 Washington's Consumer Protection Act ("CPA"), RCW 19.86.010, *et seq.*

11 8. In April 2015, HOFFMAN received no fewer than fifteen deceptive emails from
12 ONE TECHNOLOGIES or its agents in violation of Washington's CEMA and CPA.

13 9. With each email sent to HOFFMAN and Washington consumers like him,
14 ONE TECHNOLOGIES or its agents misrepresented or obscured information about the point of
15 origin of the transmission.

16 10. Each of these emails falsely suggested that it was from one or all of three
17 reputable credit reporting services: Experian, TransUnion, and Equifax.

18 11. These emails and the websites to which they were connected attempted to induce
19 HOFFMAN and Washington residents like him to provide personally identifying information by
20 subscribing to credit monitoring services.

21 12. In each email sent to HOFFMAN and Washington consumers like him, the
22 subject lines contained false or misleading information.

23 13. Each email had deceptive subject lines such as the following:

- 24 a. "Experian CyberAlert Examine your score today at no charge -7093501";
25 b. "Data Breach: Check Your Equifax Score for Errors, Free*Today";
26 c. "Due to DataHacks Check Your TranUnion Score for Errors, Free*Check 4-20-
27 15"; and

- 1 d. "2nd Notice: Check Out Your 3 Bureau Ranking for Irregularities, by Monday,
2 April 13, 2015. Deadline".
- 3 14. Each email had deceptive email addresses to identify the sender such as the
4 following:
- 5 a. "TransUnion DataLeak Warning <TransUnion-DataLeak-
6 Warning@value10.cozyrecordscore.us>";
- 7 b. "Equifax Cyber Warning <equifax.cyber.warning@blw222.interiorscore.ninja>";
8 and
- 9 c. "Your_Experian_Report <your-experian-
10 report@blink70.freecreditscoreshall.ninja>".
- 11 15. The email addresses used to identify each email's sender were not valid email
12 addresses which could receive a reply email.
- 13 16. Each email contained deceptive messages with embedded links to websites such
14 as the following:
- 15 a. "[Due to DataHacks, Check Your TransUnion Score for Errors](#) Free*Check 4-20-
16 15" with an embedded link to <http://knowmore.scorelocated.us/>;
- 17 b. "Equifax CyberCrime Warning- Complimentary Score Check ends 04.23.15 [Go](#)
18 [Here to View Your Score](#)" with an embedded link to <http://inquire.anlgs.ninja/>;
19 and
- 20 c. "Experian CyberAlert: Examine your score today at no charge [Go here to See](#)
21 [Your Score](#)" with an embedded link to <http://choose.ladof.ninja/>.
- 22 17. ONE TECHNOLOGIES or its agents employed automated email creation and
23 transmission programs which introduced slight variations among the subject lines, sender
24 addresses, and contents of each email in order to defeat email spam filters.
- 25 18. ONE TECHNOLOGIES or its agents kept each website linked in an email active
26 for only a brief period after transmitting the email. This helped ONE TECHNOLOGIES obscure
27 the origins of each email sent from recipients of the emails.

1 19. When HOFFMAN or a Washington consumer like him visited linked websites
2 that were active, they would be re-directed to other websites which were owned and operated by
3 ONE TECHNOLOGIES.

4 20. At these websites, ONE TECHNOLOGIES deceptively attempted to induce
5 HOFFMAN and Washington consumers like him to believe incorrectly that the contents of the
6 website and the emails which directed them to the websites were provided with authority or
7 approval of TransUnion, Experian, and Equifax.

8 21. With these emails and websites, ONE TECHNOLOGIES engaged in a scheme
9 which attempted to trick Washington consumers like HOFFMAN to provide personal identifying
10 information through credit monitoring service subscriptions by inducing consumers to believe
11 incorrectly that they were doing business with TransUnion, Experian, and Equifax or else that
12 they were receiving important notifications from TransUnion, Experian, and Equifax directing
13 them to do business with ONE TECHNOLOGIES.

14 22. The deceptive business practices and conduct of ONE TECHNOLOGIES and its
15 agents referenced in this complaint injured HOFFMAN and Washington consumers like him in
16 their trade and property.

17 23. ONE TECHNOLOGIES ratified, in some fashion authorized, or is otherwise
18 culpable for the business practices and conduct of its agents.

19 24. ONE TECHNOLOGIES or its agents knowingly and willfully violated the CPA
20 and CEMA and continue to violate this and related Washington law in ways that have injured
21 and damaged HOFFMAN and Washington consumers like him. These violations continue and
22 will continue unless ONE TECHNOLOGIES is compelled to cease and desist the illegal
23 business practices and conduct.

24 **V. CLASS ACTION ALLEGATIONS**

25 25. Plaintiff brings this class action pursuant to Civil Rule 23 on behalf of himself and
26 as a representative of the following class of persons (the "Class"):

Washington residents to whom ONE TECHNOLOGIES or its agents sent at least one email in which (a) Experian, TransUnion, or Experian are referenced directly or indirectly in the email or emails and (b) ONE TECHNOLOGIES is not referenced as the sender.

26. The Class excludes all attorneys of record and any judges who preside in any hearing in this action.

27. The Class's claims satisfy all of the requirements for class certification pursuant to Civil Rule 23 including numerosity, commonality, typicality, adequacy of representation, manageability, and superiority.

28. The Class includes numerous Washington residents. Joinder of the numerous members of the Class in to an action is impracticable. In fact, given the number of Class members, the only way to deliver substantial justice to all Class members is by means of a single class action.

29. There are questions of fact and law common to all Class members. These common questions predominate over any questions affecting only individual members. The questions of law and fact common to the class arising from the conduct of ONE TECHNOLOGIES include, without limitation, the following:

- a. Is there a cause of action under the CPA arising from emails sent in violation of CEMA?
- b. Is there a cause of action under CEMA arising from emails sent in violation of CEMA?
- c. Do the business practices and conduct of ONE TECHNOLOGIES that are the subject of this complaint otherwise violate the CPA or CEMA?
- d. Did ONE TECHNOLOGIES or its agents negligently, knowingly, or willfully violate Washington law with its business practices and conduct?
- e. Is ONE TECHNOLOGIES liable for the business practices and conduct of its agents that violate the CPA or CEMA?
- f. Is the Class entitled to injunctive relief to prevent ONE TECHNOLOGIES from continuing with its unlawful behavior?

- 1 A. Certify the Class, appoint Plaintiff's counsel as counsel for the Class, and appoint
2 Plaintiff as the representative of the Class;
- 3 B. Declare that the wrongful business practices and conduct referenced in this
4 complaint are illegal;
- 5 C. Declare that ONE TECHNOLOGIES is responsible and liable for all of the illegal
6 business practices and conduct referenced in the complaint;
- 7 D. Grant extraordinary, equitable, and injunctive relief of sufficient particularity to
8 ensure that ONE TECHNOLOGIES will cease its illegal practices and conduct as it
9 affects and might affect all consumers in Washington;
- 10 E. Award Plaintiff and the Class all damages which are recoverable by Washington
11 law;
- 12 F. Award Plaintiffs treble damages as provided by Washington law;
- 13 G. Award Plaintiff and Plaintiff's counsel reimbursement for the expenses they incur in
14 connection with this action, including reasonable attorney fees, expert witness fees,
15 and other costs as provided by law or equity; and
- 16 H. Grant all other and further relief as the Court deems just and proper under law or
17 equity.

18 RESPECTFULLY SUBMITTED: September 24, 2015

19 /s/ Albert H. Kirby

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